

Message Text

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PAGE 01 BELIZE 00448 260100Z

64

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 EUR-12 SCA-01 SS-15 NSC-05 L-03

H-02 DHA-02 /050 W

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R 252320Z JUL 75

FM AMCONSUL BELIZE

TO AMEMBASSY LONDON

SECSTATE WASHDC 4204

LIMITED OFFICIAL USE BELIZE 448

E.O. 11652: N/A

TAGS: CASC (MOORE, ALTON WAYNE)

SUBJECT: STAY OF EXECUTION ALTON MOORE

REF: (A) LONDON 11099, (B) LONDON 11071

1. ON JULY 25, BELIZE SOLICITOR GENERAL RAJASINGHAM, IN REPLY TO QUESTION CONTAINED IN REF. A, ADVISED POST THAT GOVERNOR WHO, ACCORDING TO SOLICITOR GENERAL, IS THE BELIZE EQUIVALENT OF BRITISH HOME SECRETARY, HAS NO POWER TO REFER A CASE BACK TO COURT OF APPEALS ON ANY GROUNDS. HE STATED THAT THERE IS NO SUCH AUTHORITY IN THE LAWS OF BRITISH HONDURAS DATED 1958 AND THAT THE GOVERNOR'S SOLE AUTHORITY IS TO PARDON OR REDUCE THE SENTENCE OF A COURT AS CONTAINED IN ARTICLE 26 OF THE LETTERS PATENT DATED 1974 FROM LONDON.

2. MOORE'S APPEAL ATTORNEY, DEREK COURTENAY, HAS ADVISED US THAT HIS INITIAL IMPRESSION AGREES WITH THE FOREGOING, BUT THAT HE WILL NEED TO STUDY THE MATTER FURTHER BEFORE GIVING FINAL ANSWER. HE SAID HE WOULD ALSO LOOK INTO POSSIBILITY THAT THERE MIGHT BE SOME WAY FOR THE APPEALS COURT TO REVIEW THE NEW EVIDENCE, BUT HE WAS NOT HOPEFUL. HE PROMISED A REPLY BY AM JULY 26.

3. AS MATTERS NOW STAND, DESPITE SOLICITOR GENERAL'S OPINION (PARA. ONE ABOVE), WE ARE STILL CONSIDERING PRESENTING GOVERNOR
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WITH DOCUMENTS PRESCRIBED BY SOLICITOR MUIRHEAD IN REF. B, EX-

PLAINING THAT MUIRHEAD HAS INSTRUCTED US TO DO SO, ON THE
ASSUMPTION THAT SOLICITOR MUIRHEAD WOULD BE ABLE TO USE THIS
FACT IN HIS DISCUSSIONS WITH PRIVY COUNCIL EVEN IF GOVERNOR
REPLIES NEGATIVELY OR DOES NOT REPLY AT ALL.

4. SOLICITOR MUIRHEAD'S COMMENTS INVITED. GAWF

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Disposition Approved on Date:
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